

### Arguments/Remarks

Claims 1 to 42 are pending. Claims 1 to 17 and 29 to 42 have been previously withdrawn.

Claim 18 has been amended; support for this amendment can be found throughout the Specification, e.g., at paragraphs 26, 27, 29, 66, 67, 105, 114, 120, etc. No new matter is added.

Withdrawn claim 29 is also amended; support for this amendment can be found throughout the Specification, e.g., at paragraphs 26, 27, 29, 66, 67, 105, 114, 120, etc. No new matter is added.

Amendments to the Specification and Figure 1 have been presented, as described below. No new matter is added.

The title has been amended. Support for the new title can be found throughout the Specification, particularly in claim 18 and in paragraph [0073] of the Specification.

The abstract has also been amended. Support for the new abstract can be found throughout the Specification. No new matter is added.

### ***Information Disclosure Statement***

An Information Disclosure Statement was filed on April 14, 2008. The Office has noted in the current Office Action that "Two references were lined through because they were in an improper format as they were missing necessary dates." (Page 3, emphasis added).

Applicants' review of the IDS marked up by the Office revealed only one reference which was lined through: "605380 Fibroblast Growth Factor 23..." from the ncbi.com website. This document is provided in the IDS submitted herewith, wherein it is dated as 2010.

Should there be an additional reference which was submitted but not considered, Applicants respectfully request clarification and identification of that reference.

### ***Drawings***

In the Office Action, Figure 1 was objected to as containing sequences which did not have a Sequence Identifier Number. The drawing sheet containing Figure 1 has

been amended by provision of a Replacement Sheet attached to this paper. Applicants respectfully request that Examiner withdraw this objection.

The Specification is amended in accordance with the provision of Sequence ID Numbers in the drawings.

The Sequence Listing is amended to include sequences listed in Figure 1. No new matter is added.

Entry of these amendments and withdrawal of this objection are respectfully requested.

### ***Abstract and Title***

The Office has objected to the Abstract and Title as not directed to the elected invention. The Abstract and Title have been amended to be directed to the elected invention.

Entry of these amendments and withdrawal of these objections are respectfully requested.

### ***Claim rejections – 35 U.S.C. §§101 and 112***

The Office has rejected claims 18 to 28 under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 101 for allegedly lacking any steps involved in the claimed process.

Claim 18 has been amended to add the steps of providing the described polypeptide, and manufacturing a medicament from it. This amendment was discussed telephonically with Examiner Christine Saoud on November 12, 2010, as described below.

Withdrawal of these rejections and allowance of the claimed subject matter are respectfully requested.

### ***Examiner's Interviews***

Applicants' representative Frank Wu discussed this case with Gary Nickol telephonically on November 10, 2010. Draft amendments to claim 18 were discussed, but no agreement was reached. No models, exhibits or demonstrations were shown.

Applicants' representative also discussed this case telephonically with Examiner Christine Saoud on November 12, 2010. Draft amendments to claim 18 were discussed. No models, exhibits or demonstrations were shown.

An Examiner's Interview Summary of this interview was filed on November 17, 2010. The Summary noted that the discussed amendments "should avoid the rejection of record but ... new grounds of rejection may be necessitated by such amendment."

Entry of these amendments and consideration of the amended claims is respectfully requested.

Please feel free to contact the below signed person with any issues or questions.

Respectfully submitted,

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Date: 18 November 2010